

REFERENCE TITLE: census; precinct line freeze

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## **HB 2793**

Introduced by  
Representatives McComish: Clark

AN ACT

AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; RELATING TO ELECTION  
PRECINCTS AND POLLING PLACES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-411, Arizona Revised Statutes, is amended to  
3 read:

4 16-411. Designation of election precincts and polling places:  
5 electioneering; wait times

6 A. EXCEPT AS PRESCRIBED BY SUBSECTION J OF THIS SECTION, the board of  
7 supervisors of each county, on or before December 1 of each year preceding  
8 the year of a general election, by an order, shall establish a convenient  
9 number of election precincts in the county and define the boundaries of the  
10 precincts. Such election precinct boundaries shall be so established as  
11 included within election districts prescribed by law for elected officers of  
12 the state and its political subdivisions including community college district  
13 precincts, except those elected officers provided for in titles 30 and 48.

14 B. Not less than twenty days before a general or primary election, and  
15 at least ten days before a special election, the board shall designate one  
16 polling place within each precinct where the election shall be held. Upon a  
17 specific finding of the board, included in the order or resolution  
18 designating polling places pursuant to this subsection, that no suitable  
19 polling place is available within a precinct, a polling place for such  
20 precinct may be designated within an adjacent precinct. Adjacent precincts  
21 may be combined if boundaries so established are included in election  
22 districts prescribed by law for state elected officials and political  
23 subdivisions including community college districts but not including elected  
24 officials prescribed by titles 30 and 48. The officer in charge of elections  
25 may also split a precinct for administrative purposes. Any such polling  
26 places shall be listed in separate sections of the order or resolution.

27 C. If the board fails to designate the place for holding the election,  
28 or if it cannot be held at or about the place designated, the justice of the  
29 peace in the precinct, two days before the election, by an order, copies of  
30 which he shall immediately post in three public places in the precinct, shall  
31 designate the place within the precinct for holding the election. If there  
32 is no justice of the peace in the precinct, or if the justice of the peace  
33 fails to do so, the election board of the precinct shall designate and give  
34 notice of the place within the precinct of holding the election. For any  
35 election in which there are no candidates for elected office appearing on the  
36 ballot, the board may consolidate polling places and precinct boards and may  
37 consolidate the tabulation of results for that election if all of the  
38 following apply:

39 1. All affected voters are notified by mail of the change at least  
40 thirty-three days before the election.

41 2. Notice of the change in polling places includes notice of the new  
42 voting location, notice of the hours for voting on election day and notice of  
43 the telephone number to call for voter assistance.

44 3. All affected voters receive information on early voting that  
45 includes the application used to request an early voting ballot.

1 D. The board is not required to designate a polling place for special  
2 district mail ballot elections held pursuant to article 8.1 of this chapter,  
3 but the board may designate one or more sites for voters to deposit marked  
4 ballots until 7:00 p.m. on the day of the election.

5 E. Except as provided in subsection F of this section, a public school  
6 shall provide sufficient space for use as a polling place for any city,  
7 county or state election when requested by the officer in charge of  
8 elections.

9 F. The principal of the school may deny a request to provide space for  
10 use as a polling place for any city, county or state election if, within two  
11 weeks after a request has been made, ~~he~~ THE PRINCIPAL provides a written  
12 statement indicating a reason the election cannot be held in the school,  
13 including any of the following:

- 14 1. Space is not available at the school.
- 15 2. The safety or welfare of the children would be jeopardized.

16 G. The board shall make available to the public as a public record a  
17 list of the polling places for all precincts in which the election is to be  
18 held including identification of polling place changes that were submitted to  
19 the United States department of justice for approval.

20 H. Except in the case of an emergency, any facility that is used as a  
21 polling place on election day shall allow persons to electioneer and engage  
22 in other political activity outside of the seventy-five foot limit prescribed  
23 by section 16-515 in public areas and parking lots used by voters. This  
24 subsection shall not be construed to permit the temporary or permanent  
25 construction of structures in public areas and parking lots or the blocking  
26 or other impairment of access to parking spaces for voters.

27 I. The secretary of state shall provide through the instructions and  
28 procedures manual adopted pursuant to section 16-452 the maximum allowable  
29 wait time for any election that is subject to section 16-204 and provide for  
30 a method to reduce voter wait time at the polls in the primary and general  
31 elections. The method shall consider at least all of the following for  
32 primary and general elections in each precinct:

- 33 1. The number of ballots voted in the prior primary and general  
34 elections.
- 35 2. The number of registered voters who voted early in the prior  
36 primary and general elections.
- 37 3. The number of registered voters and the number of registered voters  
38 who cast an early ballot for the current primary or general election.
- 39 4. The number of election board members and clerks and the number of  
40 rosters that will reduce voter wait time at the polls.

41 J. THE BOARD OF SUPERVISORS OF A COUNTY SHALL NOT CHANGE PRECINCT  
42 LINES DURING THE PERIOD AFTER JULY 31, 2008 AND BEFORE JANUARY 1, 2011. THE  
43 BOARD OF SUPERVISORS MAY SUBDIVIDE AN ELECTION PRECINCT FOR ADMINISTRATIVE  
44 PURPOSES OR MAY PROVIDE FOR MORE THAN ONE POLLING PLACE WITHIN THE BOUNDARIES  
45 OF THE ELECTION PRECINCTS ESTABLISHED FOR USE IN VOTING IN ELECTIONS HELD

1 AFTER JULY 31, 2008 AND BEFORE JANUARY 1, 2011. IN PROVIDING FOR MULTIPLE  
2 POLLING PLACES WITHIN A PRECINCT, THE BOARD OF SUPERVISORS SHALL CONSIDER THE  
3 PARTICULAR POPULATION CHARACTERISTICS OF EACH PRECINCT IN ORDER TO PROVIDE  
4 THE VOTERS THE MOST REASONABLE ACCESS TO THE POLLS POSSIBLE.

5 Sec. 2. Retroactivity

6 Section 16-411, Arizona Revised Statutes, as amended by this act,  
7 applies retroactively to from and after July 31, 2008.